INITIAL STATEMENT OF REASONS
The Mobilehome Parks Act and Special Occupancy Parks Act Regulations
California Code of Regulations
Title 25, Division 1. Housing and Community Development
Chapter 2. Mobilehome Parks and Installations
Chapter 2.2. Special Occupancy Parks

The Mobilehome Parks and Special Occupancy Parks Program within the Department of Housing and Community Development's Codes and Standards Division (HCD) develops, administers and enforces uniform statewide standards which assure owners, residents, and users of mobilehome and special occupancy parks protection from risks to their health and safety.

The Mobilehome Parks Act (MPA) and Special Occupancy Parks Act (SOPA) were enacted for the benefit of mobilehome and special occupancy park operators and residents to assure their health, safety and general welfare, to provide them a decent living environment, and to protect their investments in their manufactured homes, mobilehomes, multi-unit manufactured homes and recreational vehicles.

The Mobilehome Parks Program within HCD will maintain responsibility for adopting and enforcing preemptive state regulations for the construction, use, maintenance, and occupancy of privately owned or operated mobilehome parks (MP) and special occupancy parks (SOP) within California.

Those sections within Title 25, California Code of Regulations, affected by this rulemaking, and the specific purpose for each adoption or amendment contained in these proposed regulations are set forth below. They include numerous grammatical/ technical changes, including amendments to the authority and reference citations throughout this chapter which have no regulatory effect and are identified as such.

Recent legislation (Ch. 815, Stats. of 2003) required the department to adopt regulations for the creation, alteration, movement, or shifting of lot lines in parks. This new law requires an applicant proposing to create or change a lot line in a park to obtain a permit from the enforcement agency. The fee for this permit is consistent with all other fees currently contained in the regulations (see CCR, Title 25, sections 1020.7 and 2020.7.)

In addition to nonsubstantive technical and editorial changes, these proposed regulatory amendments also address issues and concerns that have been incorporated from general public and HCD field staff feedback. These issues include additional definitions, clarification of permit requirements for grading, the installation of factory-built housing in mobilehome parks, electrical system considerations, and water pressure testing.

Additionally, these proposed amendments incorporate changes to enhance the clarity of the following issues: roadway widths for parks constructed prior to September 15,1961, the location of LPG tanks, the applicability of Chapter 2 to commercial modulars, the difference between MH-unit separation and setbacks, the enclosing of required exits on MH-units and stairways.

The proposed amendments also provide less restrictive requirements for the following issues: energy requirements for cabanas, firewall locations for garages and storage buildings, the weight of awnings attached to MH-units, allowance of wooden posts on a lot line and stairways considerations on the carport side of an MH-unit.

Sections Affected:

Following are the specific sections of Chapter 2 and Chapter 2.2 affected by this proposed action:

Amend Chapter 2, Sections 1002, 1004, 1018, 1020.4, 1104, 1106, 1110, 1112, 1120, 1134, 1152, 1183, 1185, 1212, 1319, 1320, 1330, 1352, 1428, 1429, 1443, 1464, 1468, 1498, and 1514.

Adopt Chapter 2, Sections 1019, 1105, and 1276.

Amend Chapter 2.2, Sections 2002, 2004, 2018, 2020.4, 2104, 2106, 2108, 2110, 2112, 2120, 2126, 2134, 2152, 2183, 2185, 2212, 2226, 2319, 2428, 2429, and 2498.

Adopt Chapter 2.2, Sections 2105 and 2276.

Chapter 2. (MP) Initial Statement of Reasons

Amend Section 1002.

Subsection (b)(2) "Building Components" – This definition is amended to clarify that the definition applies to structures constructed or assembled in accordance with the requirements contained in the California Factory-built Housing Law (Health and Safety Code 19960 et seq.), which are allowed in parks, to eliminate possible confusion with other types of assemblies. The text "an accessory building" is added to maintain consistency with the SOP regulations in Ch. 2.2 and to clarify that building components may be part of accessory buildings or structures.

Subsection (c)(1) "Cabana" – This definition is amended to clarify that the structure is intended to be a part of and specifically increase the size of the living area of the unit on the lot. Due to the high density of some mobilehome parks, and the requirements for a park's infrastructure, it is necessary to make clear that a cabana is not intended to provide a detached structure that may provide or become an additional dwelling unit. The addition of the language limiting the size of a cabana on a lot to no more than the size of the unit to which it is an accessory is necessary because the increase in size of the living area of a unit directly affects the use of park utilities and other park facilities. Limiting the floor area of a cabana to no more than that of the unit allows a reasonable increase in usable space without placing a severe burden on the park infrastructure by allowing a substantial increase in available occupant load. Additionally, a park is specifically designed as a manufactured home community and the addition of onsite constructed dwellings, which may exceed the size of the unit by several times, complicates issues of jurisdiction and use, and may cause the structure to actually be exempt from the Mobilehome Parks Act (see HSC 18304) if the accessory structure becomes a separate dwelling.

Subsection (c)(7) "Carport" – This section is amended by deleting the term "entirely" because an awning partially supported by a unit cannot be adequately and safely supported entirely by one post.

Subsection (c)(12) "Combustible" – This definition is added because of multiple requests by the general public. This definition references the definition of "noncombustible" located in subsection (n) of this section. This is necessary because that definition of "noncombustible" is the term used by both the California Building Code and the California Fire Code. Neither Code references "combustible" though it is universally recognized as the opposite of noncombustible.

Subsection (c)(13) "Common Area" is renumbered to maintain the alphabetical sequencing of the definitions, and is amended by adding grammatical changes for clarity.

Subsections (c)(14) through (c)(17) are renumbered to maintain the alphabetical sequencing of the definitions. There are no other changes.

Subsection (d)(4) "Drain Outlet" – This subsection is amended editorially for clarity.

Subsection (g)(3) "Gas Piping System, Park" – This subsection is amended editorially for clarity.

Subsection (l)(8) "Lot Line Change" – This section is added because of the statutory requirement (Chapter 815, Statutes of 2003) to create regulations for the movement or creation of lot lines, and the need to identify the differences between lot line "changes" and lot line "creation". It addresses activity related to existing lots in a park.

Subsection (l)(9) "Lot Line Creation" – As noted above, this section is added because of the statutory requirement (Chapter 815, Statutes of 2003) to create regulations for the movement or creation of lot lines and the need to identify the differences between lot line "changes" and lot line "creation". It addresses activity related to new, additional lots in a park.
Subsection (l)(10) is renumbered to maintain the alphabetical sequencing of the definitions. There is no change in the section's text.
Subsection (m)(2) "Maintenance Inspection" – This subsection is amended to specifically identify the referenced Health and Safety Code section for clarity.
Subsection (n)(2) "Noncombustible" – As noted above in the definition of "Combustible", this definition has been added due to multiple requests by the general public. The definition references the description contained in section 215 of the California Building Code, Title 24, Part 2, California Code of Regulations. This definition is a standard already adopted on a statewide basis.
Subsection (n)(3) "Nuisance" is renumbered to maintain the alphabetical sequencing of the definitions and amended with the editorial addition of a semicolon.
Subsection (s)(8) "Stairway" – This subsection is amended by removing the reference to a "riser" because riser height is limited to eight inches, contained in the referenced California Building Code, and it is not possible to have a stairway riser with a height of 30 inches.
Subsection (s)(10) "Storage Building" – This section is amended to clarify that a storage building is not required to exceed the requirements for a "storage cabinet", but may be constructed smaller provided the structure meets all other requirements for a building.
There is no change in the text of the remaining subsections of this section.

Amend Section 1004.

Subsection (a) is amended to delete the incorrect reference to "Part 2.4" of the Health and Safety Code, and adding the correct reference of "Part 2.1" to correct an error in the listed part of the Health and Safety Code.
Subsections (a)(1) through (5) contain editorial amendments to correct capitalization errors. There are no other changes to this subsection.
Subsection (e) is added because when the authority for mobilehome park enforcement changes, the served public must be made aware of the new enforcement agency and where to obtain information, communicate complaints and obtain construction permits.
Subsections (f) through (j) are re-lettered to reflect the addition of the new subsection (e). There are no other changes other than a capitalization correction in subsection (i).

Amend Section 1018.

Subsection (a) is amended to include the requirements for grading as defined in the California Building Code. Adding an explicit reference to grading is necessary for clarity, although grading is commonly included in the term "construction", and also allows for a clear reference to the permit exception standards. Although this permit requirement is contained in the referenced building code, this amendment is to inform casual users of

the necessity of a construction permit, or the exemption, when certain grading is performed.
Subsection (b) is new text added to clarify that a permit is required for lot line creation or changes. This permit requirement is added because of the statutory requirement (Chapter 815, Statutes of 2003) for the enforcement agency to issue a permit when a park proposes creating or changing a lot line. The construction permit process will be used for the ease of park owners and enforcement agencies who are accustomed to this permit and its requirements and for data processing.
Subsection (c) is re-lettered because of the addition of the above-referenced subsection. It is also contains amendments removing reference only to subsection (a) and including the entire section because of the additional permit requirements contained in the added subsection.
Subsection (d) is re-lettered because of the addition of the above subsection.
Subsection (d)(3) – The text "of 120 square feet or less in floor area" is deleted because this requirement is already identified in the definitions contained in section 1002 and is redundant, and to maintain consistency with the same text contained in Chapter 2.2, the Special Occupancy Park regulations.
Subsection (d)(5) is amended to correct a grammatical error.
Subsection (d)(7) is amended to allow any pliable material, such as canvas, to be used as awning material or an awning or carport enclosure. A variety of natural and manufactured materials can safely be used for awnings, and the existing regulation was inadvertently too restrictive.

Adopt Section 1019.

This section is added to clarify critical issues related to the installation of factory-built housing in mobilehome parks pursuant to Health and Safety Code section 18611.
Subsection (a) – The addition of subsection (a) is necessary for clarity and context; it duplicates the basic requirements in section 18611 for clarity and ease of use.
Subsection (b) – The first sentence of subsection (b) eliminates a potential ambiguity or conflict: local government agencies are responsible for approving the installation of factory-built housing as well as conventional housing outside of parks, but MPA enforcement agencies are responsible for most construction and installations in mobilehome parks. This subsection ensures that local government agencies continue to be responsible for factory-built housing in parks, just as they are responsible for any conventionally constructed housing in parks. The last sentence of subsection (b) also eliminates a conflict between the Mobilehome Parks Act and its location, setback, and lot requirements and those reserved for the local jurisdiction in the Factory-Built Housing Law. Since the factory-built housing would be installed within the perimeter of the park boundaries, and since the entire park is designed for both safety and aesthetic reasons consistent with the Parks Act, it is both appropriate and necessary to ensure that the installation of any factory-built housing, rather than manufactured housing, be consistent with the same standards applicable to manufactured housing.

Amend Section 1020.4.

Subsection (b) is amended by removing the term “alteration” because if an approved plan issued as a Standard Plan Approval (SPA) is altered, it is no longer valid as an SPA.

Amend Section 1104.

Subsection (d) is deleted because of the addition of a new section (section 1105) implementing and interpreting the new statutory requirements (Ch. 815, Stats. of 2003) for lot line creation or change.
Subsection (e) is re-lettered to reflect the deletion of subsection (d).

Adopt Section 1105.

This section is adopted to clarify the statutory requirements for lot line changes (Ch. 815, Stats. of 2003). The requirements closely follow the newly enacted statutory provisions in Health and Safety Code section 18610.5 and include inspection fees, the required and types of approvals, specific language to be used in notices for clarity and consistency, and necessary lot line marking requirements.
Subsection (a) is adopted to establish the regulatory requirements for obtaining a permit when a lot line is being "moved, shifted, or altered." Subsection (a) also is adopted to make clear that a lot line "creation" is not subject to section 1105, but instead is subject to existing regulation section 1020.6.

Health and Safety Code section 18610.5(a) mandates that lot lines not be "created, moved, shifted, or altered" without a permit issued by the enforcement agency. As part of this regulation package, the Department is proposing new clarifying definitions of the terms "lot line change" and "lot line creation" (see proposed section 1002 (l)(8) and (9).) "Lot line creation" is proposed to mean: "The initial establishment of a lot line for a new lot." The Mobilehome Parks Act and regulations already require permits for the construction of new lots under regulation section 1020.6, and these permits require local government approvals prior to application. In order to obtain local government approval, the local government would have to be notified of the proposed creation of a new lot. Therefore, existing regulations implement the requirement of Health and Safety Code section 18610.5(a) to require a permit and local government notification for creation of a lot line.

Health and Safety Code section 18610.5(a) also requires the written authorization of a registered owner of a home, if any, located on a lot on which a line will be "created, moved, shifted or altered." In most cases, where a new lot is being created through addition of new lot lines, existing lot lines are undisturbed (e.g., a new lot is added at the end of a row of existing lots utilizing an existing lot line that will not be moved.) Since no registered owner's lot line would be changed, no written authorization would be required. Consequently, in most cases of lot line creation, all the requirements of Health and Safety Code section 18610.5(a) are addressed in existing regulation section 1020.6.

In only one case is there potential for confusion between a lot line change and a lot line creation – where an existing lot is divided to create two lots. In the event this case were to arise, the Department would administer proposed section 1105 and existing section 1020.6 as follows: section 1105 would apply to the existing lot – because at least one of its lot lines would have to be "moved, shifted, or altered" to create a smaller lot; and section 1020.6 would apply to the new lot being created.

Subsection (b) is added to require a written application and identifies the items that must be included in a lot line change, as authorized by statute.

Subsection (b)(1) is added to establish the substantive requirements for the application. Three (3) copies are required of all permits so that copies are available for the applicant (marked “approved’), the enforcement agency office file, and the inspector’s file. The plot plan is required with measurements of both existing and proposed lot lines so that the applicant (park owner), the adjacent lots, and the impacted lots are clearly identified for the purposes of review and for the final inspection measurements. The date is required so that only one “final” plot plan is reviewed by all parties. The distances between all structures and improved areas must be shown to ensure that all private and government parties reviewing the plot plan for approval have the proper perspective, and so that the inspector can ensure that the lot lines are moved where proposed. The ten-foot distance is required because this is a standard fire separation in these regulations (section 1330). The distances from all other lot lines must be shown so that the parties can review the impact on their lots, as required by statute. The number of affected lots must be identified because the statute requires review and approval by manufactured home owners on all affected lots. The addresses or other identifying characteristics (in case there are not addresses) must be identified to ensure that the proper lots are identified and for when the required notice is sent to registered owners of the homes on those lots. Proof of mailed delivery is required by the statute, and the regulation clarifies that this proof is by registered or certified mail, rather than a statement that a notice was merely mailed by first-class mail; this ensures that the notice is received for review, since an incorrect lot line may have a major impact on the value of a home on an affected lot. The descriptive "at least" is added before "first class" in order to allow applicants to use overnight or express mail. Identification specified in the application of the type of lot markers ensures that the inspector reviews the proper markers, and ensures that the park owner uses lot markers permitted by the regulations.

Subsection (b)(2) is added to require a list of the actual residence addresses of the owners of the manufactured homes on affected lots. This allows the enforcement agency to ensure that the notice has been sent to the proper owners, as required by the statute.

Subsection (b)(3) is added to require that the application be accompanied by a copy of the written authorization of the impacted owners on the affected lots. Copies, rather than originals, are required because HCD or the enforcement agency should not become the holder of original documents which may be subject to litigation. This authorization is required by the statute. The statements must accompany the application to ensure that the enforcement agency is reviewing and approving the final plot plan and application which they authorized, and to ensure for the enforcement agency that the affected homeowners have approved the lot line change, as required by statute. The text of the approval statement is provided in the regulation to ensure that the consumers have clear statements to review and approve, and to ensure that the owners are not sued afterward on the basis of alleged misrepresentation or misstatements.

Subsection (b)(4) is added to require a written statement by the park operator that the lot line change is "substantially consistent" with "material factors" related to two items. The test is "substantially consistent" in order that a change not be frustrated by minor differences, and the test includes "material factors" so that only the important ("material") issues are reviewed for consistency. There are two tests. The first is compliance with health and safety conditions imposed by the local government as a condition of initial construction of a space or the park. This is required because HCD would not know, for example, whether lots lines were established only after assurance of consistency with flood plain requirements, or distance from major electrical or other service facilities, or distance from a major thoroughfare, or other important health and safety considerations. It also must be consistent with applicable local land use and zoning requirements. This is added to ensure that the park owner actually checks existing zoning and land use requirements as to the number of spaces and any other restrictions or requirements imposed at the time of park approval with respect to the number of spaces. It references “applicable” requirements because certain requirements imposed by local governments may be preempted by state statutes.

Subsection (b)(5). Since the changing of a lot line in a park is an alteration to the park, this subsection is added to refer the applicant to the correct section containing the fees for park alterations. The referenced section is also the same section that would be used for the creation of a lot line in a park.

Subsection (c) is added to require proof of a notice to local government whenever lot line changes result in an increase or decrease in park spaces. The statute requires that the applicant must provide a copy of the application for permit to any local government in these circumstances, and this requirement enforces that local government notice requirement. Notice is not required for any other type of lot line change by the statute; formerly, local governments were authorized to approve or disapprove all proposed lot line changes, but the approval authority over lot line changes was repealed by the new statute. As noted above in the discussion of subsection (a), in the case of lot line creations, the local government also will effectively be notified as it must provide various other approvals pursuant to regulation section 1020.6.

The regulation limits this notice requirement to those situations where the department is the Mobilehome Parks Act enforcement agency because the statute does not require the local government to provide the notification when local governments have assumed jurisdiction as a local enforcement agency. The subsection allows either personal delivery or delivery by registered or certified mail to ensure that the notice is sent to and received by the appropriate local government office in a manner that a receipt can be provided. Since no formal government action is necessary in response to the notice—such as approval of an ordinance or review by a public meeting—this process for review and comment was deemed adequate by the department to be fair to both the park owner and the local government agency. A statement asserting delivery by mail, and the date mailed with certification or registration is required to provide information to the department to ensure that the notice was sent prior to or concurrent with the filing with the department. The subsection requires that all information in the application to the department be sent to the local government so that the department can ensure that the same information being reviewed by the department is available for review by the local government, and to ensure that the local government has received all relevant

information. The office address of the department's area office performing the inspection must be provided to the local government so that any communication by the local government can be promptly received by the reviewing office rather than being channeled and delayed through the department's administrative offices.

It is the department's legal position that the department has neither authority nor an obligation to reject or modify an applicant's proposed lot lines if a local government determines that the proposed lot lines violate either the health and safety or land use requirement test. The notice, and the information in the notice, is provided in the case of lot increases or decreases in order to ensure that local governments can promptly contact the applicant to seek correction, using the local government's normal land use enforcement authority. In the case of other lot line changes not increasing or decreasing the number of lots, no notice is provided to the local government. In this case, identification and enforcement of any land use ordinance occurs in the same manner as the local government identifies and enforces land use requirement violations in any conventional apartment house or multi-unit commercial structure: through its routine inspections programs, complaints by neighbors or visitors, etc. If such a violation is identified, the local government again would deal directly with the park owner or operator to seek correction after the violation has been identified.

Subsection (d) is added to govern the inspection process. It clarifies that an on-site inspection is required for all lot line changes or creations in order to ensure that lot lines – an important property right as well as safety issue – are consistent with the application and the notices to neighbors. It also requires that the existing lot line markings remain in place until after approval of the lot line change. This is so that the enforcement agency can compare the lot lines disclosed in the plot plan accompanying the application and because the existing lot lines remain valid until the new lot lines are approved. The existing lot lines must be identified to the satisfaction of the enforcement agency in order to ensure that these are, in fact, existing lot lines rather than lot lines not previously approved or established. The new lot lines must be permanently established promptly upon approval of their locations.

Subsection (e) is added to require the enforcement agency to sign and date the approved plot plan so there is only one official plan and requires the applicant to provide copies of that approved plot plan to all registered owners of units on affected lots following approval of the lot line change by the enforcement agency, so that they have proof of their own lot lines. The location of lot lines, and the size of lots, may have a significant impact on the sale or lease of a manufactured home and the lot size must be disclosed to prospective purchasers.

Section (f) is added to prohibit the movement or creation of a lot line if it places a unit or accessory building or structure in violation of any provision of the Parks Act regulations or any other applicable law. This provision is required by statute, and placed in this section for clarity.

Amend Section 1106.

Subsection (a)(1) – The number "(1)" is added to distinguish the street width requirements for parks constructed prior to September 15, 1961 that do not have street parking.

Subsection (a)(2) is added to include the applicable street width requirements for parks constructed prior to September 15, 1961 that have street parking. The requirements are identical to the requirements contained in section 16278(b) of the 1960 mobilehome park regulations and have been brought forward for clarity.
Subsection (b)(1) – The number "(1)" is added to distinguish the street width requirements for parks constructed after September 15, 1961 that do not have street parking.
Subsection (b)(2) was previously subsection (c). This change is necessary to identify that this requirement only applies to parks constructed on or after September 15, 1961. The street width is also amended to maintain consistency with previous provisions for street widths.
Subsection (b)(3) like subsection (b)(2) above is renumbered from subsection (d) to clarify that the requirement only applies to parks constructed on or after September 15, 1961.
Subsections (c) through (e) are re-lettered because of the changes in the section references of the above sections and include minor grammatical changes.

Amend Section 1110.

Subsection (b) is amended to state that accessory structures located under another accessory structure are not counted towards the total percentage of the occupied area of a lot. This was done because they do not, in fact, create more occupied space.

Amend Section 1112.

Subsection (b) is amended to correct an error by Barclays, the California Code of Regulations publisher that mistakenly made all provisions in this section applicable to parks constructed after July 7, 2004. The term "on or after" is amended to "before" to separate the requirements for parks constructed before July 7, 2004, from those constructed on or after July 7, 2004. Additionally, it is amended to reference parks "containing dependent lots" (lots without a sewer drain connection) and any lot allowed to be used by a dependent unit (units without sanitary facilities) because these conditions are the only times park facilities are required. The reference to "independent units" is deleted because the requirement doesn't apply to independent units in a mobilehome park.

Amend Section 1120.

Subsection (d) is amended to include the requirement that the park provide for the disposal of refuse and leaves as well as rubbish. This amendment is deemed necessary because of numerous complaints received concerning the disposal of leaves. Because refuse and leaves are referenced in subsections (a) and (c), along with rubbish as items that must be collected and not allowed to accumulate on a lot or in a park, a means of disposing of these items, as well as with rubbish, must be available.

Amend Section 1134.

Subsections (b) and (c) are amended to reference only "park-owned" electrical equipment. The electrical equipment in parks owned and operated by the serving utility is not subject to these regulations.

Amend Section 1152.

This section is amended to align the requirement to the provisions contained in the California Electrical Code. Services less than 1,000 amperes do not require ground-fault protection pursuant to the California Electrical Code.

Adopt Section 1183.

This amendment corrects a department error from the previous regulatory action. The minimum height clearance is amended to reflect the actual height contained in the California Electrical Code and the previous requirements in the referenced 1979 National Electrical Code.

Amend Section 1185.

Subsection (d) is adopted to clarify the requirements for electrical appliances located in damp or wet locations. This amendment reiterates the provisions for fixtures in damp and wet locations contained in the California Electrical Code and is added here for the convenience of the public and enforcing agencies.

Amend Section 1212.

Subsections (a) and (b) are added to reflect the actual location requirements contained in the California Fire Code, Article 82, which is the adopted reference for the location of LPG tanks. The addition of text limiting the location requirements to tanks "greater than five (5) U.S. gallons" is necessary to allow the use of personal propane-fueled cooking appliances such as barbeques that are traditionally stored under awnings and storage cabinets and which do not create the safety hazards identified with the storage of larger tanks.

Subsection (c) – The subsection identifier "Exception" at the end of the section is amended to become a separate subsection and acknowledges the longstanding safety record of RV and propane-fueled vehicles and the common activity of parking these vehicles inside of garages without creating an unreasonable safety hazard.

Adopt Section 1276.

Subsection (a) is added to clarify existing applicable requirements for parks constructed after July 11, 1979, when the water pressure requirements were reduced to 15 pounds per square inch, and the current requirements, adopted July 7, 2004, that reinstated the minimum 20 pound per square inch minimum to coincide with the minimum water pressure required for a successful fire hydrant test. This does not change or impose any

new standard since the standards adopted under prior codes remain in effect until explicitly superseded.
Subsection (b) is added to clarify the method of determining the minimum water pressure and to define "maximum operating conditions" as referenced in the California Plumbing Code. Previously there was no explicit definition for "maximum operating condition" and the testing requirements were unregulated. This method was determined as a result of previous experience of department field staff in mobilehome parks, consultation with the International Association of Plumbing and Mechanical Officials (IAPMO) and the department's State Housing Law program staff who develop and amend the California Plumbing Code.

Amend Section 1319.

Subsection (c)(2) is amended by removing "waiver" authority and adding the reference to an "approval" of the continued use of the existing system. This is necessary because, as the agency responsible for fire suppression, the local fire district "approves" the continued use, but does not have authority to "waive" the requirements.
Subsection (c)(4) is amended to add the term "or " at the end of the subsection to include the additional allowance contained in new subsection (c)(5).
Subsection (c)(5) is added to permit the use of a system that currently meets the requirements that were approved at the time of the system's installation. This is necessary because new requirements are not retroactive to existing approved systems.

Amend Section 1320.

Subsections (a), (c), (e)(2), and (f) are amended by removing the reference to "commercial modulars". This is necessary because the entire article is not applicable to commercial modulars and the reference within the application and scope is confusing. A new subsection (g) was added to clarify the specific application of this article to commercial modulars.
Subsection (g) is added to specifically identify the sections within this article that apply to commercial modulars. This is for clarity and to differentiate between the requirements for manufactured homes and commercial modulars.

Amend Section 1330.

Subsection (b) is amended to clarify that this provision only applies to "separations" between structures and not to "setbacks" from lot lines, which are defined in subsection (c). This is necessary to provide clarity for the differences between the two terms and their requirements.
Subsection (c) is amended by adding the term "setback" to clarify that this provision only refers to the setback from the lot line and not to the separation between units. This is necessary because there has been a lack of clarity over these requirements resulting in confusion.
Subsection (d) is amended for clarity by removing the reference to "setbacks" because setbacks are defined in subsection (c). Additionally, the user is redirected back to

subsection (b) for separation requirements. This is necessary to clarify that projections may intrude into the required separation, but not required setback.

Amend Section 1352.

Subsection (c)(1) is amended by adding the term "power supply" to identify the type of cord being referenced.
Subsection (c)(2) is amended by moving the final sentence of subsection (c)(1) to its own subsection for clarity and adding the term "power supply" to identify the cord being referenced.
Subsection (c)(3) is amended by reordering the subsection because of the inclusion of the new subsection (c)(2).

Amend Section 1428.

Subsection (b) is amended by removing the reference to "MH-units" thus making the reference applicable to all "units", which include recreational vehicles. This is necessary because the location requirements apply equally to all units, which include RVs, in order to allow access for emergency personnel and their equipment.
Subsection (d) is amended to clarify that stairways, although permitted up to a lot line, must still meet the separation requirements of noncombustible accessory structures as defined in subsection (a)(1)(A) between structures on an adjacent lot. This is necessary to provide access for fire suppression and other emergency personnel.
Subsection (h) is added to allow the use of wood awning posts up to a lot line. This is permitted because wood posts, which are four inches or greater in thickness, have more than one-hour fire resistance and construction within three feet of a lot line requires only a minimum one-hour resistance as referenced in the California Building Code, Table 5-A.

Amend Section 1429.

Subsection (a) is amended by adding the term "enclosed" to define the type of accessory building or structure referred to in this section. This section is amended to allow exiting through an accessory building or structure that encloses a required exit door, provided the accessory building or structure has a doorway directly to the outside. The department has determined that this safely provides adequate exiting requirements through a 30 year history of allowing this type of structure through the alternate approval process.

Amend Section 1443.

Subsection (a) is amended by deleting the term "interior" because it is unnecessary and conflicts with provisions contained in the referenced California Building Code. Because garages and storage buildings are constructed in accordance with the California Building Code, for consistency, this section is amended to eliminate a conflict with that code and allow flexibility in meeting fire resistant construction requirements.

Amend Section 1464.

This section is being amended to establish clearer and more appropriate standards for energy conservation in cabanas. Cabanas are structures as small as 100 square feet and generally less than 600 square feet which are constructed as adjunct living areas for a manufactured home. They are not attached structurally, but may be entered from the manufactured home, and generally are a bedroom, study, or den-like use. The figure of "600 square feet" is used because most manufactured homes are about 50 feet long and this would allow the construction of a 12-foot wide room, a standard width for a cabana, alongside a 50-foot long manufactured home.

A general requirement to impose the California Energy Code (CEC) is inappropriate for several reasons. First, manufactured homes are built to a federal standard, with different energy requirements than those contained in the CEC; thus, there was difficulty in merging those requirements with the CEC, especially in smaller structures. In addition, because smaller cabanas are relatively simple in design and construction, imposing the totality of CEC requirements generally is unnecessary and unreasonably expensive. Imposing the complexity of the CEC on these smaller structures often necessitates the homeowner having to hire a licensed engineer or architect to perform energy evaluations and then redesigning the cabana to be consistent with those evaluations. This greatly increases the cost and complexity of a simple structure, often rendering the construction infeasible. The inability to increase the available living area and value of the unit could cause owners to sell their homes and move rather than continuing to live in familiar and desired communities and enhance the stability of those communities. Finally, many cabanas are owner-builder constructed, and requiring owner-builders to interpret the CEC, a document not user-friendly to nonprofessionals, was an unreasonable expectation, particularly when various design and appliance requirements are based on the "zone" or location of the cabana.

The department balanced the inequities imposed on homeowners discussed above with the recognition that energy conservation is a critical State goal for the health and welfare of all California residents, and that energy conservation may represent significant savings to the homeowner. The new standards reflect that balance.

The department established two standards, one for smaller (600 square feet or less) cabanas and one for larger. The smaller cabanas tend to be owner-built, are not large enough to have a significant energy impact on the balance of the home, and are intended to be less expensive to construct. Thus, application of minimum statewide prescriptive

standards, as opposed to energy design standards applicable to an entire home, is appropriate. The larger (more than 600 square feet) cabanas are likely to have more complexity, be used for multiple purposes, have more of an impact on the entire home, and be constructed by professionals as the equivalent of a conventional home room addition. Thus, the energy standards tailored for that community are more appropriate.

In either case, the state energy efficiency standards cannot be applied to the manufactured home itself. Manufactured home construction standards are preempted by the National Manufactured Housing Construction Standards Act (Title 42, United States Code, section 5403(g)), and the manufactured home energy standards are prescribed in Title 24, Code of Federal Regulations, Chapter XX, Part 3280, section 3280.506. Requiring changes in the home to comply with state cabana construction standards would violate those federal requirements.

Subsection (a) – Utilizing the CEC "Mandatory Measures Checklist: Residential" ("MF-1R") http://www.energy.ca.gov/title24/residential_manual/res_manual_form_mf1r.PDF for cabanas of 500 square feet or less serves several purposes:

1. It is a document developed and updated regularly by the California Energy Commission, based on current laws and regulations. It establishes standards which are easy to understand, and it is part of a manual regularly published by the Commission, the "Residential Manual for Compliance with California's 1998 Energy Efficiency Standards", which is available by mail or on-line.
2. The "Checklist" is user-friendly for owner-builders and smaller contractors building the smaller accessory structures. It provides cross-references internally, and uses non-technical language.
3. The checklist also is familiar to park enforcement agencies which must review and approve construction permits for cabanas. The minimum statewide standards reflect a reasonable standard, developed by energy experts, to provide appropriate benefits for both individual consumers and Californians in general.
4. The use of minimum statewide standards, notwithstanding the zone of construction, allows for the use of basic plans and minimal construction costs, while acknowledging the consumer and Californian benefits inherent in the CEC. These are also applicable to most housing throughout the state. It also generally provides "prescriptive" standards, which do not require energy analyses and can be easily translated by the builder in a hardware or building supply store.

Subsection (b) – Continuing to utilize the CEC for larger structures recognizes that larger cabanas are more like conventional room additions, and, as noted above can be constructed to standards which are appropriate for conventional homes, except for requiring any changes in the manufactured home's structure, fixtures, or appliances.

In both cases, the "Cool Roof" requirements are exempted from the CEC requirements because these are add-on structures to manufactured homes which have their own roofing requirements. In addition, it would be unreasonable and inappropriate to require a "cool Roof" for a cabana when the remainder of the home will continue to use the same roof. Most manufactured homes are in mobilehome parks or manufactured home communities which are relatively dense compared to conventional constructed neighborhoods. Requiring a different roof for a cabana would add an unaesthetic standard to an already-dense community.

Subsection (c) – Allowing an enforcement agency to develop and use or provide as informational guidelines energy standard charts implementing or specifying the CEC requirements is a means of reducing costs for the consumer. Most building departments have developed charts applicable to their geographic zones which help consumers plan additions and alterations, and which speed the review process, thus reducing plan check and permit costs. Since these already are generally used for construction of conventional homes within the jurisdiction of the enforcement agency, and since most of the other building standards for cabanas are based on the California Building Standards Code enforced by these jurisdictions, it is appropriate to allow them to continue using their charts to provide guidance and review assistance.

Amend Section 1468.

Subsections (a) through (c) are unchanged.
Subsection (d) is amended and rewritten from a general prohibition against attaching many types of heavier awnings to manufactured homes to one that permits specific types of awnings to be attached to specific types of manufactured homes. The prior language was both confusing and prohibited many awnings that could be safely attached to newer manufactured homes. Normally heavier awnings are not permitted to be attached to manufactured homes because their weight or additional load (due to, for example, snow loads) detrimentally impacts the structural integrity of the manufactured home sidewall which is not designed for that extra weight. However, in specified circumstances, an awning can safely be attached subject to the conditions in subsection (d)(1) through (3). The rewritten subsection (d) lists those: the area must have a roof "live load" not to exceed 20 pounds per square foot (e.g., potential additional weight less than a low snow load capacity) and a "dead load" (actual weight of the structure) not exceeding 6-1/2 pounds per square foot). These standards can safely be attached to newer (post-1971) manufactured homes if attached as prescribed in subsections (d)(2) and (d)(3).

Subsection (d)(2) is amended by adding the term "perimeter" to describe the type of support system needed when the awning, allowed in subsection (d), is attached to the home. This is necessary because the additional load placed on the sidewall of the unit is on the perimeter of the unit and it must have adequate support to transmit this additional load directly to the ground.

Amend Section 1498.

Subsection (a) is amended to add a missing "and" for correct grammar.
Subsection (b)(1) is amended to add an "and" because of the renumbering of subsection (b)(2) and (b)(3), as explained below.
Subsection (b)(2) is amended by renumbering the subsection from (b)(3) and deleting the word "and" as a grammatical correction. This subsection and the following subsections are independent of each other and it is not necessary for them to be tied together with the "and" operator.
Subsection (c) is renumbered subsection (b)(2). The minimum clear width of the stairway is amended to reflect the minimum width of doorways in manufactured homes in accordance with the federal regulations (24 CFR 3280.105 (b)(2)). It is relocated from

subsection (b)(2) to allow the provision to be used for doors that swing in as well as out. This is necessary because a majority of the current manufactured homes constructed in the last 10 years are equipped with twenty-eight (28) inch rear doors the swing towards the inside on the carport side of the unit.
Subsection (d) is reordered subsection (c). There are no changes in the text.
Subsection (e) is renumbered subsection (d) and is amended by deleting the language restricting the horizontal dimension of a landing. This is necessary because it now conflicts with the other requirements of this section and is unnecessary. The text allowing a stairway to be relocated and not secured to a lot is added to reflect the type of stairways commonly used within mobilehome parks and to differentiate them from permanent stairways, which require their attachment to the ground or home, used in conventional residential construction.

Amend Section 1514.

Subsection (c) is deleted because it is unnecessary and confusing. An awning enclosure has specific requirements contained in section 1474 of this chapter. The original intent of this subsection was to limit the stresses on the awning's supporting columns. In order to create this additional stress it would be necessary for the fence to be connected to, and be part of, the awning thus falling under the requirements of section 1474.

Chapter 2.2. (SOP) Initial Statement of Reasons

Amend Section 2002.

Subsection (b)(2) "Building Components" – This definition is amended to clarify that the definition applies to structures constructed or assembled in accordance with the requirements contained in the California Factory-built Housing Law (Health and Safety Code 19960 et seq.), which are allowed in parks, to eliminate possible confusion with other types of assemblies.

Subsection (c)(1) "Cabana" – This definition is amended to clarify that the structure is intended to be a part of and specifically increase the size of the living area of the unit on the lot. Due to a previous regulatory action, new cabana construction is not permitted in a special occupancy park except on designated lots containing MH-units used by the personnel involved in the maintenance and operation of the park. The changes to this subsection are included to maintain consistency with the same definition contained in the Mobilehome Parks and Installations regulations contained in Title 25, Chapter 2 of this Division. Because of the high density of some parks, and the requirements for a park's infrastructure, it is necessary to make clear that a cabana is not intended to provide a detached structure that may be or become an additional dwelling unit. The addition of the language limiting the size of a cabana on a lot to no more than the size of the unit to which it is an accessory is necessary because the increase in size of the living area of a unit directly affects the use of park utilities and other park facilities. Limiting the floor area of a cabana to no more than that of the unit allows a reasonable increase in usable space without placing a severe burden on the park infrastructure by allowing a substantial increase in available occupant load. Additionally, parks are specifically designed for recreational vehicles and the addition of onsite constructed dwellings, which may exceed the size of the unit by several times, complicates issues of jurisdiction and use, and may cause the structure to actually be exempt from the Special Occupancy Parks Act (SOPA) (see HSC 18865.5) if the accessory structure becomes a separate dwelling.

Subsection (c)(13) is added "Combustible" – This definition is added because of multiple requests by the general public. This definition references the definition of "noncombustible" located in subsection (n) of this section. This is necessary because that definition of "noncombustible" is the term used by both the California Building Code and the California Fire Code. Neither Code references "combustible" though it is universally recognized as the opposite of noncombustible.

Subsections (c)(14) through (c)(17) are renumbered to maintain the alphabetical sequencing of the definitions. There are no other changes.

Subsection (d)(4) "Drain Outlet" – This subsection is amended editorially for clarity.

Subsection (g)(2) "Gas piping System, Park" – This subsection is amended editorially for clarity.

Subsection (l)(7) "Lot Line Change" – This section is added because of the statutory requirement (Chapter 815, Statutes of 2003) to create regulations for the movement or creation of lot lines, and the need to identify the differences between lot line "changes" and lot line "creation". It addresses activity related to existing lots in a park.

Subsection (l)(8) "Lot Line Creation" – As noted above, this section is added because of the statutory requirement (Chapter 815, Statutes of 2003) to create regulations for the movement or creation of lot lines and the need to identify the differences between lot line

"changes" and lot line "creation". It addresses activity related to new, additional lots in a park.
Subsection (l)(9) is renumbered to maintain the alphabetical sequencing of the definitions. There is no change in the section's text.
Subsection (n)(2) "Noncombustible" – As noted above in the definition of "Combustible", this definition has been added due to multiple requests by the general public. The definition references the description contained in section 215 of the California Building Code, Title 24, Part 2, California Code of Regulations. This definition is a standard already adopted on a statewide basis.
Subsection (n)(3) is renumbered to maintain the alphabetical sequencing of the definitions. There is no change in the section's text.
Subsection (s)(10) "Storage Building" – This section is amended to clarify that a storage building is not required to exceed the requirements for a "storage cabinet", but may be constructed smaller provided the structure meets all other requirements for a building.
There is no change in the text of the remaining subsections.

Amend Section 2004.

Subsections (a)(1) through (5) contain editorial amendments to correct capitalization errors. There are no other changes to this subsection.
Subsection (e) is added because when the authority for mobilehome park enforcement changes, the served public must be made aware of the new enforcement agency and where to obtain information, communicate complaints and obtain construction permits.
Subsections (f) through (j) are reordered to reflect the addition of new subsection (e). There are no other changes other than clarifying the current Title in the California Code of Regulations in subsection (f) and a capitalization correction in subsection (i).
The Note is amended to correct an error in a referenced code section. The Health and Safety Code section listed as "188570.7" is corrected to be "18870.7".

Amend Section 2018.

Subsection (a) is amended to include the requirements for grading as defined in the California Building Code. Adding an explicit reference to grading is necessary for clarity, although grading is commonly included in the term "construction", and also allows for a clear reference to the permit exception standards. Although this permit requirement is contained in the referenced building code, this amendment is to inform casual users of the necessity of a construction permit, or the exemption, when certain grading is performed.
Subsection (b) is new text added to clarify that a permit is required for lot line creation or changes. This permit requirement is added because of the statutory requirement (Chapter 815, Statutes of 2003) for the enforcement agency to issue a permit when a park proposes creating or relocating a lot line. The construction permit process will be used for the ease of park owners and enforcement agencies who are accustomed to this permit and its requirements and for data processing.
Subsection (c) is re-lettered because of the addition of the above-referenced subsection. It is also contains amendments removing reference only to subsection (a) and including

the entire section because of the additional permit requirements contained in the added subsection.
Subsection (d) is re-lettered because of the addition of the above subsection.
Subsection (d)(5) is amended to allow any pliable material, such as canvas, to be used as awning material or an awning enclosure. A variety of natural and manufactured materials can safely be used for awnings, and the existing regulation was inadvertently too restrictive.

Amend Section 2020.4.

Subsection (b) is amended by removing the term “alteration” because if an approved plan issued as a Standard Plan Approval (SPA) is altered, it is no longer valid as an SPA.

Amend Section 2104.

Subsection (d) is deleted because of the addition of a new section (section 2105) implementing and interpreting the new statutory requirements (Ch. 815, Stats. of 2003) for lot line creation or change.
Subsection (e) is re-lettered to reflect the deletion of subsection (d).

Adopt Section 2105.

This section is adopted to clarify the statutory requirements for lot line changes (Ch. 815, Stats. of 2003). The requirements closely follow the newly enacted statutory provisions in Health and Safety Code section 18872.1 and include inspection fees, the required and types of approvals, specific language to be used in notices for clarity and consistency, and necessary lot line marking requirements. Health and Safety Code section 18872.1, throughout, requires certain notices to and acknowledgments from the “occupants, residents, or tenants” of a space in a special occupancy park. These are terms used to describe various civil and contractual relationships between park management and users in the Recreational Vehicle Park Occupancy Law (“RVPOL”), Civil Code sections 799.20, et seq. In interpreting section 18872.1 of the Health and Safety Code, and attempting to create a process which was clear for park owners, park users, and local and state government agencies enforcing this law, the department has chosen to not use the ambiguous “occupants, residents, or tenants” and, instead, require that the notice be given to, and responded to by, the “person with a registration or rental agreement with the park”. The terms, “registration or rental agreement” also are used throughout the RVPOL. This will ensure that park management has a clearly-defined person to provide notices to and receive them from. It will ensure that the person with a civil, financial, and/or contractual arrangement with the park, and thus has the greatest interest in the lot lines is notified and given the opportunity to respond. And it will be the most comparable procedure to that adopted for mobilehome parks in Chapter 2, commencing with section 1000, in which the owners of mobilehomes, who generally have the greatest interest in lot lines, are notified of lot line changes.
Subsection (a) is adopted to establish the regulatory requirements for a obtaining a permit when a lot line is being "moved, shifted, or altered." Subsection (a) also is

adopted to make clear that a lot line "creation" is not subject to section 2105, but instead is subject to existing regulation section 2020.6.

Health and Safety Code section 18872.1(a) mandates that lot lines not be "created, moved, shifted, or altered" without a permit issued by the enforcement agency. As part of this regulation package, the Department is proposing new clarifying definitions of the terms "lot line change" and "lot line creation" (see proposed section 2002 (l)(7) and (8).) "Lot line creation" is proposed to mean: "The initial establishment of a lot line for a new lot." The Special Occupancy Parks Act and regulations already require permits for the construction of new lots under regulation section 2020.6, and these permits require local government approvals prior to application. In order to obtain local government approval, the local government would have to be notified of the proposed creation of a new lot. Therefore, existing regulations implement the requirement of Health and Safety Code section 18872.1(a) to require a permit and local government notification for creation of a lot line.

Health and Safety Code section 18872.1(a) also requires the written authorization of a person with a registration or rental agreement with the park, if any, located on a lot on which a line will be "created, moved, shifted or altered." In most cases, where a new lot is being created through addition of new lot lines, existing lot lines are undisturbed (e.g., a new lot is added at the end of a row of existing lots utilizing an existing lot line that will not be moved.) Since no person's with a registration or rental agreement with the park lot line would be changed, no written authorization would be required. Consequently, in most cases of lot line creation, all the requirements of Health and Safety Code section 18872.1(a) are addressed in existing regulation section 2020.6.

In only one case is there potential for confusion between a lot line change and a lot line creation – where an existing lot is divided to create two lots. In the event this case were to arise, the Department would administer proposed section 2105 and existing section 2020.6 as follows: section 2105 would apply to the existing lot – because at least one of its lot lines would have to be "moved, shifted, or altered" to create a smaller lot; and section 2020.6 would apply to the new lot being created.

Subsection (b) is added to require a written application and identifies the items that must be included in a lot line change, as authorized by statute.

Subsection (b)(1) is added to establish the substantive requirements for the application. Three (3) copies are required of all permits so that copies are available for the applicant (marked “approved’), the enforcement agency office file, and the inspector’s file. The plot plan is required with measurements of both existing and proposed lot lines so that the applicant (park owner), the adjacent lots, and the impacted lots are clearly identified for the purposes of review and for the final inspection measurements. The date is required so that only one “final” plot plan is reviewed by all parties. The distances between all structures and improved areas must be shown to ensure that all private and government parties reviewing the plot plan for approval have the proper perspective, and so that the inspector can ensure that the lot lines are moved where proposed. The ten-foot distance is required because of fire separation issues and so all parties are aware of the location of existing construction on the adjacent lots. The distances from all other lot lines must be shown so that the parties can review the impact on their lots, as required by statute.

The number of affected lots must be identified because the statute requires review and approval by occupants, residents, or tenants of the park, who are persons with a registration or rental agreement with the park on all affected lots. The addresses or other identifying characteristics (in case there are not addresses) must be identified to ensure that the proper lots are identified for notices to be sent to persons with a registration or rental agreement with the park on those lots. Proof of mailed delivery is required by the statute, and the regulation clarifies that this proof is by registered or certified mail, rather than a statement that a notice was merely mailed by first-class mail; this ensures that the notice is received for review since an incorrect lot line may have a major impact on the value of a unit on an affected lot. The descriptive "at least" is added before "first class" in order to allow applicants to use overnight or express mail. Identification specified in the application of the type of lot markers ensures that the inspector reviews the proper markers, and ensures that the park owner uses lot markers permitted by the regulations.
Subsection (b)(2) is added to require a list of the actual residence addresses of the persons with a registration or rental agreement with the park on affected lots. This allows the enforcement agency to ensure that the notice has been sent to the proper persons, as required by the statute.
Subsection (b)(3) is added to require that the application be accompanied by a copy of the written authorization of the impacted persons with a registration or rental agreement with the park on the affected lots. Copies, rather than originals, are required because HCD or the enforcement agency should not become the holder of original documents which may be subject to litigation. This authorization is required by the statute. The statements must accompany the application to ensure that the enforcement agency is reviewing and approving the final plot plan and application which they authorized, and to ensure for the enforcement agency that the affected persons with a registration or rental agreement with the park have approved the lot line change, as required by statute. The text of the approval statement is provided in the regulation to ensure that the consumers have clear statements to review and approve, and to ensure that the owners are not sued afterward on the basis of alleged misrepresentation or misstatements.
Subsection (b)(4) is added to require a written statement by the park operator that the lot line change is "substantially consistent" with "material factors" related to two items. The test is "substantially consistent" in order that a change not be frustrated by minor differences, and the test includes "material factors" so that only the important ("material") issues are reviewed for consistency. There are two tests. The first is compliance with health and safety conditions imposed by the local government as a condition of initial construction of a space or the park. This is required because HCD would not know, for example, whether lots lines were established only after assurance of consistency with flood plain requirements, or distance from major electrical or other service facilities, or distance from a major thoroughfare, or other important health and safety considerations. It also must be consistent with applicable local land use and zoning requirements. This is added to ensure that the park owner actually checks existing zoning and land use requirements as to the number of spaces and any other restrictions or requirements imposed at the time of park approval with respect to the number of spaces. It references “applicable” requirements, pursuant to Health and Safety Code section 18865, because local governments may only impose those requirements permitted by section 18865 or 18870.1.

Subsection (b)(5) Since the changing of a lot line in a park is an alteration to the park, this subsection is added to refer the applicant to the correct section containing the fees for park alterations. The referenced section is also the same section that would be used for the creation of a lot line in a park.
Subsection (c) is added to require proof of a notice to local government whenever lot line changes result in an increase or decrease in park spaces. The statute requires that the applicant must provide a copy of the application for permit to any local government in these circumstances, and this requirement enforces that local government notice requirement. Notice is not required for any other type of lot line change or creation by the statute; formerly, local governments were authorized to approve or disapprove all proposed lot line changes, but the approval authority over lot line changes was repealed by the new statute. A local government may have authority over the increase in the number of lots, if the zoning and land use ordinance specified a maximum number of lots, and it may have authority over a reduction in the number of lots if it has enacted an ordinance authorized by section 18865 of the Health and Safety Code. Section 18865 generally establishes state preemption related to construction, maintenance, and operation of special occupancy parks, except for limited specific items reserved to cities and counties.

The regulation limits this notice requirement to those situations where the department is the Special Occupancy Parks Act enforcement agency because the statute does not require the local government to provide the notification when local governments have assumed jurisdiction as a local enforcement agency. The subsection allows either personal delivery or delivery by registered or certified mail to ensure that the notice is sent to and received by the appropriate local government office in a manner that a receipt can be provided, and that the local government has at least seven working days to review and respond to the notice. Since no formal government action is necessary in response to the notice—such as approval of an ordinance or review by a public meeting—this period of time for review and comment was deemed adequate by the department to be fair to both the park owner and the local government agency. A statement asserting delivery by mail, and the date mailed with certification or registration is required to provide information to the department to ensure that the seven or more working days have elapsed since mailing. The subsection requires that all information in the application to the department be sent to the local government so that the department can ensure that the same information being reviewed by the department is available for review by the local government, and to ensure that the local government has received all relevant information. The office address of the department's area office performing the inspection must be provided to the local government so that any communication by the local government can be promptly received by the reviewing office rather than being channeled and delayed through the department's administrative offices.

It is the department's legal position that the department has neither authority nor an obligation to reject or modify an applicant's proposed lot lines if a local government determines that the proposed lot lines violate either the health and safety or land use requirement test. The notice, and the information in the notice, is provided in the case of lot increases or decreases in order to ensure that local governments can promptly contact the applicant to seek correction, using the local government's normal land use

enforcement authority. In the case of other lot line changes not increasing or decreasing the number of lots, no notice is provided to the local government. In this case, identification and enforcement of any land use ordinance occurs in the same manner as the local government identifies and enforces land use requirement violations in any conventional apartment house or multi-unit commercial structure: through its routine inspections programs, complaints by neighbors or visitors, etc. If such a violation is identified, the local government again would deal directly with the park owner or operator to seek correction after the violation has been identified.

Subsection (d) is added to govern the inspection process. It clarifies that an on-site inspection is required for all lot line changes or creations in order to ensure that lot lines – an important property right as well as safety issue – are consistent with the application and the notices to neighbors. It also requires that the existing lot line markings remain in place until after approval of the lot line change. This is so that the enforcement agency can compare the lot lines disclosed in the plot plan accompanying the application and because the existing lot lines remain valid until the new lot lines are approved. The existing lot lines must be identified to the satisfaction of the enforcement agency in order to ensure that these are, in fact, existing lot lines rather than lot lines not previously approved or established. The new lot lines must be permanently established promptly upon approval of their locations.

Subsection (e) is added to require the enforcement agency to sign and date the approved plot plan so there is only one official plan and requires the applicant to provide copies of that approved plot plan to all persons with a registration or rental agreement with the park on affected lots following approval of the lot line change by the enforcement agency, so that they have proof of their own lot lines. The location of lot lines, and the size of lots, may have a significant impact on the sale or lease of a unit and the lot size must be disclosed to prospective purchasers.

Section (f) is added to prohibit the movement or creation of a lot line if it places a unit or accessory building or structure in violation of any provision of the Special Occupancy Parks Act regulations or any other applicable law. This provision is required by statute, and placed in this section for clarity.

Amend Section 2106.

Subsection (a)(1) – The number “(1)” is added to distinguish the street width requirements for parks constructed prior to September 15,1961 that do not have street parking.

Subsection (a)(2) is added to include the applicable street width requirements for parks constructed prior to September 15, 1961 that have street parking. The requirements are identical to the requirements contained in section 16278(b) of the 1960 park regulations and have been brought forward for clarity.

Subsection (b)(1) – The Number “(1)” is added to distinguish the street width requirements for parks constructed on or after September 15, 1961 that do not have street parking.

Subsection (b)(2) is re-lettered existing subsection (c). This change is necessary to identify that this requirement only applies to parks constructed on or after September 15, 1961. The street width is also amended to maintain consistency with previous provisions for street widths.

Subsection (b)(3) like subsection (b)(2) above is re-lettered from subsection (d) to clarify that the requirement only applies to parks constructed on or after September 15, 1961.
Subsections (c) through (g) are re-lettered due to the change in the section references of the above sections and include minor grammatical changes.

Amend Section 2108.

Subsection (b) is amended to correct an error from a previous rulemaking. The number in parenthesis was erroneously listed as "(.02)" instead of ".2". To eliminate confusion it is amended to "2/10", which is consistent with the identical requirement in the mobilehome regulations contained in Chapter 2.

Amend Section 2110.

Subsection (b) is amended to state that accessory structures located under another accessory structure are not counted towards the total percentage of the occupied area of a lot. This was done because they do not, in fact, create more occupied space.

Amend Section 2112.

Subsection (b) is amended to reference dependent "lots" (lots without a sewer drain connection) and when any lot is allowed to be used by a dependent unit (units without sanitary facilities) because these conditions are the only time park facilities are required. The reference to "independent units" is deleted because the requirement doesn't apply to independent units in a special occupancy park.
Subsection (c) is amended to be consistent with, and as explained in, subsection (b).

Amend Section 2120.

Subsection (d) is amended to include the requirement that the park provide for the disposal of refuse and leaves as well as rubbish. This amendment is deemed necessary because of numerous complaints received concerning the disposal of leaves. Because refuse and leaves are referenced in subsections (a) and (c) along with rubbish as items that must be collected and not allowed to accumulate on a lot or in a park, a means of disposing of these items, as well as with rubbish, must be available.

Amend Section 2126.

This section is amended to correct an error in a previous regulatory adoption. The utilities on an RV lot must be on the "right" side of the lot as looking from the street not the "left" side. All recreational vehicles manufactured in the United States have the utility connections on the left or road-side of the vehicle necessitating the park utilities be located on the right side of the lot. The "right side" standard also is imposed for recreational vehicles by the California Electrical Code (Title 24, Part 3, section 551-77(a)) and by the California Plumbing Code (Title 24, Part 5, Appendix E, section E77). These are the referenced codes throughout the regulations.

Amend Section 2134.

Subsections (b) and (c) are amended to reference only "park-owned" electrical equipment. The electrical equipment in parks owned and operated by the serving utility is not subject to these regulations.

Amend Section 2152.

This section is amended to align the requirement to the provisions contained in the California Electrical Code. Services less than 1,000 amperes do not require ground-fault protection pursuant to the California Electrical Code.

Amend Section 2183.

This amendment corrects a department error from the previous regulatory action. The minimum height clearance is amended to reflect the actual height contained in the California Electrical Code and the previous (before July 1, 1979) National Electrical Code.

Amend Section 2185.

Subsection (c) is adopted to clarify the requirements for electrical appliances located in damp or wet locations. This amendment reiterates the provisions for fixtures in damp and wet locations contained in the California Electrical Code (Article 410.4) and is added here for the convenience of the public and enforcing agencies.

Amend Section 2212.

Subsections (a) and (b) are amended to reflect the actual location requirements contained in the California Fire Code, Article 82, which is the adopted reference for the location of LPG tanks. The addition of text limiting the location requirements to tanks "greater than five (5) U.S. gallons" is necessary to allow the use of personal propane-fueled cooking appliances such as barbeques that are traditionally stored under awnings and storage cabinets and which do not create the safety hazards identified with the storage of larger tanks.
The prior "Exceptions" at the end of the section are amended to become new subsections because they provide clarity and are not exceptions to it.

Subsection (c), formerly "Exception 2", is amended to accommodate the longstanding safety record of RV and propane-fueled vehicles and common activity of parking these vehicles inside of garages without creating an unreasonable safety hazard.
Subsection (d), formerly "Exception 1", is amended to clarify that if a snow cover is used it must not be enclosed to ensure sufficient ventilation.

Amend Section 2226.

Subsection (c) is amended for grammar.
Subsection (e) is deleted because the provisions of section 2791 of the Public Utilities Code only reference mobilehome parks and do not apply to special occupancy parks.

Adopt Section 2276.

Subsection (a) is added to clarify existing applicable requirements for parks constructed after July 11, 1979, when the water pressure requirements were reduced to 15 pounds per square inch, and the current requirements, adopted July 7, 2004, that reinstated the minimum 20 pound per square inch minimum to coincide with the minimum water pressure required for a successful fire hydrant test. This does not change or impose any new standard since the standards adopted under prior codes remain in effect until explicitly superseded.
Subsection (b) is added to clarify the method of determining the minimum water pressure and to define "maximum operating conditions" as referenced in the California Plumbing Code. Previously there was no explicit definition for "maximum operating condition" and the testing requirements were unregulated. This method was determined as a result of previous experience of department field staff in special occupancy parks, consultation with the International Association of Plumbing and Mechanical Officials (IAPMO) and the department's State Housing Law program staff who develop and amend the California Plumbing Code.

Amend Section 2319.

Subsection (c)(2) is amended by removing "waiver" authority and adding the reference to an "approval" of the continued use of the existing system. This is necessary because, as the agency responsible for fire suppression, the local fire district "approves" the continued use, but does not have authority to "waive" the requirements.
Subsection (c)(4) is amended to add the term "or " at the end of the subsection to include the additional allowance contained in new subsection (c)(5).
Subsection (c)(5) is added to permit the use of a system that currently meets the requirements that were approved at the time of the system's installation. This is necessary because new requirements are not retroactive to existing approved systems.

Amend Section 2428.

Subsection (b) is amended to correct errors in capitalization.
Subsection (c) is amended to clarify that stairways, although permitted up to a lot line, must still meet the separation requirements of noncombustible accessory structures as

defined in subsection (a)(1)(A) between structures on an adjacent lot. This is necessary to provide access for fire suppression and other emergency personnel.
Subsection (g) is added to allow the use of wood awning posts up to a lot line. This is permitted because wood posts, which are four inches or greater in thickness, have more than one-hour fire resistance and construction within three feet of a lot line requires only a minimum one-hour resistance as referenced in the California Building Code, Table 5-A.

Amend Section 2429.
Subsection (a) is amended to allow exiting through an awning enclosure that encloses a required exit door, provided the awning enclosure has a doorway directly to the outside. The department has determined that this safely provides adequate exiting requirements through a 30 year history of allowing this type of structure through the alternate approval process.

Amend Section 2498.

Subsection (d) is amended by deleting the language restricting the horizontal dimension of a landing. This is necessary because it conflicts with the requirements of subsection (b)(3) of this section and the requirements of the referenced California Building Code. The text allowing a stairway to be relocated and not secured to a lot is added to reflect the type of stairways commonly used within mobilehome parks and to differentiate them from permanent stairways, which require their attachment to the ground or home, used in conventional residential construction.

DOCUMENTS RELIED UPON.

- Chapter 815, Statutes of 2003
- General public and HCD field staff input/feedback
- CA Energy Commission (8/2001) "Mandatory Measures Checklist: Residential" (MF-1R)
- CA Fire Code (2001) "Table 8204-A – Location of Containers"/"Table 8212A – Location of Containers Awaiting Use or Resale Stored Outside of Buildings"
- California Building Code, California Code of Regulations, Title 24, Part 2.
- California Electrical Code, California Code of Regulations, Title 24, Part 3.

BUSINESS IMPACT.

The Department of Housing and Community Development has made an initial determination that the proposed amendments will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. The proposed amendments update the existing regulations for mobilehome parks and special occupancy parks and will not result in significant adverse economic impact on businesses.

SPECIAL TECHNOLOGIES OR EQUIPMENT.

The proposed amendments do not mandate the use of specific technologies or equipment.

CONSIDERATION OF ALTERNATIVES.

No alternative which was considered by the Department of Housing and Community Development would be more effective than or equally as effective as and less burdensome to affected private persons than the proposed amended regulations.

COMPLIANCE WITH GOVERNMENT CODE SECTIONS 11346.2, 11346.5 and 11349(f).

The regulations, which concern mobilehome park lot lines and clean up, do not conflict with federal law or regulations.